

**LOUISVILLE METRO AIR POLLUTION CONTROL DISTRICT
PRELIMINARY REGULATORY IMPACT ASSESSMENT (PRIA)**

REGULATION 2.08 VERSION 28
Fees

OCTOBER 18, 2019

Purpose of the Draft Action:

In this PRIA, the Louisville Metro Air Pollution Control District (District) is soliciting formal comments on draft amendments to Regulation 2.08. The draft changes allow the District to refuse to process notifications for applicants with unpaid invoices. It also corrects a minor error from the last amendment of the regulation.

Scope of the Draft Amendments:

The District assesses a variety of different fees, including annual fees for operating permits, and one-time fees for construction permits and asbestos demolition/renovation permits. Regulation 2.08 was previously amended to require payment before processing of most applications (i.e., construction applications), but because of the relatively quick turnaround for many asbestos projects, which may sometimes begin as soon as ten (10) days after notification, asbestos permit fees continue to be invoiced and due within forty-five (45) days pursuant to Section 1.2.5.

However, this has led to a situation where applicants may continue to apply for and receive new demolition/renovation permits despite not timely paying for previous permits. To remedy this situation, the draft amendments to Regulation 2.08 would allow the District refuse to process additional notifications for asbestos demolition/renovation projects where the applicant has unpaid invoices more than sixty (60) days overdue, has incurred and not paid late fees, or outstanding court judgments owed to the District.

The District is also proposing to correct a reversal of the dates of the fiscal year made inadvertently in the last amendment of the Regulation, and to amend the late fee provisions.

Estimated Costs and Savings:

The District estimates that these amendments will allow the District to avoid collection costs, including litigation costs, which, for example, may include filing fees from \$198 to \$268, and staff time diverted from other needs.

Feasibility of All Alternatives:

The alternative to these amendments is to make no change, which the District believes is infeasible because of the significant collection costs, including staff time and agency resources necessary to collect outstanding fees.

Comparison with Any Minimum or Uniform Standards:

These amendments do not affect any minimum or uniform standards.

Report on Public Outreach Efforts:

Drafts of the Regulation were proposed for formal review on October 16, 2019, and will be sent to all members of the Louisville Metro Air Pollution Control Board, all persons who have requested to be notified of proposed changes to any District regulations; EPA Region 4; and the Kentucky Division for Air Quality.

The public will have an opportunity to comment at a meeting of the appropriate committee of the Air Pollution Control Board if the District formally proposes the regulations, during the informal and formal public comment periods, and at a public hearing prior to consideration by the full Board if proposed.